

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

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|---------------------------|---|-------------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | 14 CR 447 |
| |) | |
| vs. |) | Judge Richard A. Posner |
| |) | |
| HAKEEM EL BEY, |) | |
| |) | |
| Defendant. |) | |

ORDER OF FEBRUARY 20, 2015

Defendant Hakeem El Bey has been indicted by the federal government for defrauding and attempting to defraud the Internal Revenue Service in violation of Title 18 of the federal code. I have been assigned to conduct his trial, which is scheduled to begin on March 2. The defendant has chosen to represent himself, as he is entitled to do provided he is at least minimally competent. I appointed standby counsel as a resource to the defendant in preparing his case.

I have been concerned by a series of affidavits that the defendant has filed over the course of the pretrial proceedings, and statements that he has made at our preconference hearings. As I have reminded him repeatedly, most recently in an order of February 12, he must not at trial attempt to introduce evidence, testimony, or argument regarding the Uniform Commercial Code, the Federal Rules of Civil Procedure, admiralty and maritime law, or the Foreign Sovereign Immunities Act. These bodies of law are totally irrelevant to this criminal prosecution. Nor may he argue at trial that this court lacks jurisdiction over him because he is a "sovereign citizen" or citizen of the Cherokee nation (he is in fact a U.S. citizen), that the U.S. Government is a corporation or is insolvent, or that the Internal Revenue Service has been dismantled. These are all utterly irrelevant and frivolous contentions.

But I seem unable to convince him, and I am losing confidence that he will obey my order. Since I issued it he has submitted two additional affidavits. The first,

dated the day before the issuance of the order I just mentioned, asks that the government pay him \$367,500 in “redemption” of damages he has suffered as a result of property theft and kidnapping (by whom not specified, though he seems to be accusing the government). He also asserts “Lack of Jurisdiction over the Person (contracted Artificial Subject vs Natural Borne)” —whatever that means. He also asserts that “Queen of England, entered into a Treaty with the Federal Government For the Taxing of Alcoholic beverages and cigarettes sold in America. The Treaty is called—The Stamp Act and in this Act, the Queen ordained that her Subject, the American people, are Exonerated of all other Federal Taxes. So the Federal Income Tax and the State Income Taxes Levied against all Americans is Contrary to an International Treaty and against the Sovereign Orders of the Queen.”

The Stamp Act was enacted by the Parliament of Great Britain in 1765. It did not relieve Americans of any taxes; on the contrary, it imposed a comprehensive tax on the use of paper by Americans. The Act was not a treaty between Britain and the federal government of the United States, for there was no United States; there were just the 13 British colonies that 11 years later declared independence from Great Britain. There were no federal taxes that the Act could have relieved Americans from having to pay. The sovereign of Britain at the time was a King, not a Queen; the King’s wife (Princess Charlotte of Mecklenburg-Strelitz) was Great Britain’s Queen but had no governmental authority.

In the defendant’s second recent filing, signed several days after this Court’s February 12 Order, the defendant once again asks the Court to dismiss the case for want of jurisdiction, invokes the Uniform Commercial Code and the Foreign Sovereign Immunities Act, and claims that the proper court to hear this case is the Court of International Trade. This filing borders on incoherence, as where it states “This Case Reference to 28 USC-2461, since all Tax Revenue case are done ‘within the Admiralty.’ Court of International Trade is the proper Jurisdiction. The Foreign Sovereign Immunity Act—This provision as Application since the Foreign Sovereign—Judge—Clerk Attorney and Agents ect [*sic*], are Liable for Damages while doing business in the United States.” In this filing he also asks for \$367,500 in damages.

If as is increasingly becoming apparent, the defendant refuses to refrain from injecting utterly irrelevant, patently inaccurate, and sometimes unintelligible contentions into this case, I will not be able to allow him to represent himself at the trial. I do not believe that he is mentally deficient; indeed he strikes me as an intelligent person, and he has been unfailingly polite at our pretrial conferences. I

want him to have a fair trial. He cannot have a fair trial if as I fear his defense will be based solely on the “affidavits of truth” that culminate with the latest two such affidavits summarized above. A defendant who has the cognitive ability to represent himself in a legal proceeding but refuses to confine his defense to testimony and other evidence, and to argument, that are permissible in a legal proceeding—refuses in effect to cooperate with the court and obey the law governing the proceeding—forfeits his right to defend himself.

I reaffirm my order of February 12 and thus remind the defendant that he will not be permitted to present at trial the arguments to which I have referred, however deeply and sincerely he believes them to be valid.

A handwritten signature in black ink, appearing to read "Richard A. Posner", is written above a horizontal line.

United States District Judge

February 20, 2015